

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on February 23, 2007 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)

Members Excused: None.

Members Absent: Rep. John Ward (R)

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 762, 731, 768, 643, 780, 781, HJ 43, 2/16/2007
Executive Action: HJ 43, HB 731, HB 643, HB 780, HB 768, HB 762, HB 781, HB 653, HB 370, HB 453

HEARING ON HB 643

Opening Statement by Sponsor:

00:01:34 Rep. John Sinrud (R), HD 67, opened the hearing on HB 643, Revise sexual predator laws.

Proponents' Testimony:

00:03:57 Stacie Rumenap, Executor Director, Stop Child Predators
[EXHIBIT\(juh41a01\)](#)

00:10:32 Chip St. Clair, Regional Director, Justice for
Children

00:23:39 Marissa Stockton, Eagle Forum
[EXHIBIT\(juh41a02\)](#)

Opponents' Testimony: None

00:25:44 Andy Huodak, Montana Sexual Predator Offender Treatment
Group

Informational Testimony:

00:37:05 Brenda Elias, Department of Corrections, State of
Montana

Questions from Committee Members and Responses:

00:37:28 Rep. French

00:37:42 Rep. Kottel

00:38:56 Ms. Elias

00:41:10 Rep. Sinrud

00:49:18 Rep. Gallik

00:50:51 Mr. Houdak

Closing by Sponsor:

00:54:59 Rep. Sinrud

HEARING ON HB 781

Opening Statement by Sponsor:

00:59:21 Rep. Jonathon Windy boy (D), HD 32, opened the hearing
on HB 781, Revise racial profiling law -- data
gathering.

[EXHIBIT\(juh41a03\)](#)

[EXHIBIT\(juh41a04\)](#)

[EXHIBIT\(juh41a05\)](#)

Proponents' Testimony:

01:04:02 Charles Grant, self
01:10:13 Lucille Tucker, self
01:13:35 Sarah Singer, self
01:20:50 Cynthia Shmockel, Chippewa Cree Tribe
[EXHIBIT\(juh41a06\)](#)
01:24:34 Rachel Lopez, Licensed Addiction Counselor
[EXHIBIT\(juh41a07\)](#)
01:26:52 Stacey Wolfblack
[EXHIBIT\(juh41a08\)](#)
01:26:55 Anita Wolfblack
01:27:12 Alex Roberts
[EXHIBIT\(juh41a09\)](#)
01:27:40 Kathy Day, ACLU
01:27:52 Aaron Thompson, Montana Peoples Action
[EXHIBIT\(juh41a10\)](#)
[EXHIBIT\(juh41a11\)](#)
[EXHIBIT\(juh41a12\)](#)
01:28:14 Rep. Margaret Campbell
01:28:33 Barry Spook Stang, Montana Motor Carriers Association

Opponents' Testimony:

01:28:51 Rusty Wickman, Chief of Police, Missoula, Montana
01:32:14 Mark Blood, Police Officer, Missoula Police Department, Missoula, Montana
01:34:07 Mark Guy, Police Officer, Glasgow, President, Montana Police Protective Association
01:34:46 Cloyd Grove, Chief of Police, Great Falls, Montana
01:39:09 Rich St. John, Chief of Police, Billings, Montana
01:40:55 Mark Muir, Assistant Chief of Police, Missoula Police Department, Missoula, Montana
01:50:25 Sheryl Liedle, Sheriff, Lewis and Clark County, Helena, Montana, Montana Chiefs of Police Association
01:50:34 Darren Raney, Chief of Police, Livingston, Montana
01:50:45 Jesse Callender, Cascade County Sheriffs Office
01:50:58 David Phillips, Deputy, Cascade County Sheriff
01:51:02 Rick Musson, Chief of Police, Laurel, Montana Chiefs of Police Association
01:51:11 Alln Hulse, Montana Municipal Insurance
01:51:19 Harry Payne, City of Helena, Human Resource Director

Informational Testimony:

01:51:35 Ali Bovington, Assistant Attorney General, Department of Justice, State of Montana

Questions from Committee Members and Responses:

01:54:15 Rep. Koopman
01:55:40 Rep. Windy Boy
01:59:39 Mr. Guy
02:00:55 Rep. Stoker
02:01:17 Mr. Wickman
02:02:12 Rep. Raser
02:03:04 Ms. Bovington
02:03:35 Mr. St. John
02:08:19 Rep. Windy Boy

Closing by Sponsor:

02:11:42 Rep. Windy Boy

HEARING ON HB 780

Opening Statement by Sponsor:

02:14:31 Rep. Dan Villa (D), HD 86, opened the hearing on HB 780, Unattended children in motor vehicles safety act.

Rep. Villa also testified that State Farm in is support of HB 780.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:17:01 Rep. Villa

HEARING ON HB 768

Opening Statement by Sponsor:

02:17:26 Rep. Dave Gallik (D), HD 79, opened the hearing on HB 768, Revise ostensible agency.

EXHIBIT(juh41a13)

Proponents' Testimony:

02:22:40 Al Smith, Montana Trial Lawyers Association

[EXHIBIT\(juh41a14\)](#)

02:23:06 Bob Olson, Montana Hospital Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:23:49 Rep. Gallik

HEARING ON HB 762

Opening Statement by Sponsor:

02:24:06 Rep. Julie French (D), HD 36, opened the hearing on HB 762, Revise false claims act.

Proponents' Testimony:

02:26:14 Jeff Buska, Administrator, Quality Assurance Division,
Department of Public Health and Human Services, State
of Montana

[EXHIBIT\(juh41a15\)](#)

[EXHIBIT\(juh41a16\)](#)

02:31:11 Ali Bovington, Assistant Attorney General, Department
of Justice, State of Montana

[EXHIBIT\(juh41a17\)](#)

02:35:16 Tim Reardon, Chief Legal Counsel, Department of
Transportation, State of Montana

[EXHIBIT\(juh41a18\)](#)

[EXHIBIT\(juh41a19\)](#)

02:38:06 Steve Garrison, Staff Attorney, Department of
Transportation, State of Montana

02:38:41 Al Smith, Montana Trial Lawyers Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:40:03 Rep. Jore
02:40:33 Mr. Buska
02:42:15 Rep. Gallik
02:42:48 Rep. French
02:43:41 Ms. Bovington
02:45:40 Mr. Buska

Closing by Sponsor:

02:47:23 Rep. French

HEARING ON HJ 43

Opening Statement by Sponsor:

02:48:27 Rep. Diane Rice (R), HD 71, opened the hearing on HJ 43, Study aspects of judicial branch of state government.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:50:18 Rep. Rice

EXECUTIVE ACTION ON HJ 43

02:50:58 **Motion/Vote:** Rep. Gallik moved that **HJ 43 DO PASS**. Motion carried 16-1 by voice vote with Rep. Peterson voting no. Rep. Ward voted by proxy.

HEARING ON HB 731

Opening Statement by Sponsor:

02:51:41 Rep. Veronica Small-Eastman (D), HD 42, opened the hearing on HB 731, Revise conditions for repossession or liens on car loans.

Proponents' Testimony: None

Opponents' Testimony:

02:54:00 Bruce Spencer, Montana Automobile Dealers Association
EXHIBIT(juh41a20)

03:05:12 Amy Grmoljez, Montana Bankers Association

03:06:21 Steve Yeakel, Montana Independent Bankers Association

03:06:25 Janet Harper, Montana Credit Union Network

03:06:40 Mona Jamison, General Motors

Informational Testimony: None

Questions from Committee Members and Responses:

03:07:42 Rep. Kottel

03:08:16 Mr. Spencer

Closing by Sponsor:

03:12:07 Rep. Small-Eastman

EXECUTIVE ACTION ON HB 731

03:12:25 **Motion:** Rep. Stoker moved that **HB 731 DO PASS.**

03:12:43 **Substitute Motion/Vote:** Rep. Gallik made a substitute motion that **HB 731 BE TABLED.** Substitute motion carried unanimously by voice vote. Rep. Ward voted by proxy.

EXECUTIVE ACTION ON HB 643

03:14:03 **Motion:** Rep. Stoker moved that **HB 643 DO PASS.**

Discussion:

03:14:12 Rep. Gallik

03:14:32 **Vote:** Motion that **HB 643 DO PASS** carried unanimously by voice vote. Rep. Ward voted by proxy.

EXECUTIVE ACTION ON HB 780

03:15:13 **Motion:** Rep. Stoker moved that **HB 780 DO PASS.**

03:15:25 **Substitute Motion/Vote:** Rep. Everett made a substitute motion that **HB 780 BE TABLED**. Substitute motion carried 10-7 by voice vote with Reps. French, Raser, Cordier, Driscoll, Kottel, Ebinger, and Gallik voting no. Rep. Ward voted by proxy.

EXECUTIVE ACTION ON HB 768

03:16:34 **Motion:** Rep. Gallik moved that **HB 768 DO PASS**.

Discussion:

03:16:43 **Motion:** Rep. Gallik moved that **HB 768 BE AMENDED**.
(Amendment from previous hearing 2/23/07)

03:17:25 **Vote:** Motion that **HB 768 BE AMENDED** carried unanimously by voice vote. Rep. Ward voted by proxy.

03:17:35 **Motion:** Rep. Gallik moved that **HB 768 DO PASS AS AMENDED**.

Discussion:

03:17:40 Rep. Gallik

03:19:31 Rep. Rice

03:19:39 **Vote:** Motion that **HB 768 DO PASS AS AMENDED** carried unanimously by voice vote. Rep. Ward voted by proxy.

EXECUTIVE ACTION ON HB 762

03:20:15 **Motion:** Rep. French moved that **HB 762 DO PASS**.

03:20:25 **Motion:** Rep. French moved that **HB 762 BE AMENDED**.
(Amendment from previous hearing 2/23/07)

Discussion:

03:21:34 Rep. Kottel

03:22:33 Rep. French withdrew amendment for HB 762.

03:22:46 **Motion:** Rep. Koopman moved that **HB 762 BE AMENDED with a CONCEPTUAL AMENDMENT to INSERT "...ATTORNEYS FEES TO BE PAID TO THE PARTY IN A SUCCESSFUL ACTION AGAINST THE GOVERNMENT...."**.

Discussion:

03:25:31 David Niss, Legislative Services
03:25:46 Rep. Peterson

03:26:20 Rep. Koopman withdrew conceptual amendment for HB 762.

03:27:26 Rep. Gallik
03:29:13 Rep. French
03:30:00 Rep. Stoker

03:30:20 **Vote:** Motion that **HB 762 DO PASS** failed 4-13 by roll call vote with Reps. French, Raser, Peterson, and Kottel voting aye. Rep. Ward voted by proxy.

03:31:05 **Motion/Vote:** Rep. Stoker moved that **HB 762 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. Ward voted by proxy.

EXECUTIVE ACTION ON HB 781

03:31:37 **Motion:** Rep. McGillvray moved that **HB 781 DO PASS**.

Discussion:

03:32:28 **Motion:** Rep. Kottel moved that **HB 781 BE AMENDED with a CONCEPTUAL AMENDMENT TO STRIKE PAGE 1, to PAGE 2 THROUGH LINE 14, LINE 15, a, b, c MOVED TO PAGE 3 UNDERLINE 17 (EXISTING LAW.) DELETE "...OF THE ANNUAL REPORT OF THE ATTORNEY GENERAL...." AND INSERT "...COLLECTION OF DATA...." SUB SECTION 5, DELETE "...PROVIDES FOR, and INSERT, "...EACH AGENCY SHALL PROVIDE FOR....". PAGE 3 AT END OF LINE 29, SUB SECTION 2, 7, ALL ELSE IS STRIKEN.**

Discussion:

03:39:25 Rep. O'Hara

03:39:42 **Substitute Motion:** Rep. Koopman made a substitute motion that **HB 781 BE AMENDED with a CONCEPTUAL AMENDMENT TO INSERT "MAY" INSTEAD OF "SHALL" .**

Discussion:

03:41:00 Rep. Rice

03:41:27 **Vote:** Motion that **HB 781 BE AMENDED** carried unanimously by voice vote. Rep. Ward voted by proxy.

03:41:49 **Motion:** Rep. Koopman moved that **HB 781 DO PASS AS AMENDED.**

Discussion:

03:41:58 Rep. Koopman
03:42:27 Rep. Peterson
03:43:12 Rep. Kottel
03:44:54 Rep. Stoker
03:45:28 Rep. Raser

03:45:50 **Vote:** Motion that **HB 781 DO PASS AS AMENDED** carried 10-7 by roll call vote with Reps. Stoker, Everett, Kerns, Peterson, O'Hara, Ward, and Jore voting no. Rep. Ward voted by proxy.

03:46:56 Chairman Rice

EXECUTIVE ACTION ON HB 653

03:47:32 **Motion:** Rep. Gallik moved to **RECONSIDER THE MOTION on HB 653.** (Tabled on 2/20/07)

Discussion:

03:48:16 Rep. Gallik
03:48:41 Rep. Rice
03:49:09 Rep. Raser
03:49:31 Rep. Jore
03:50:01 Rep. McGillvray

03:50:16 **Vote:** Motion to **RECONSIDER THE MOTION on HB 653** failed 7-9 present and voting by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, Kottel, Ward, and Ebinger voting aye. Rep. Ward voted by proxy

03:51:05 Rep. McGillvray

EXECUTIVE ACTION ON HB 370

03:51:25 **Motion/Vote:** Rep. Kottel moved to **RECONSIDER THE MOTION on HB 370.** (Tabled on 2/6/07) Motion failed 6-9 present and voting by roll call vote with Reps. French, Raser, Cordier, Driscoll, Kottel, and Ebinger voting aye. ____

EXECUTIVE ACTION ON HB 453

03:52:04 **Motion/Vote:** Rep. Gallik moved to **RECONSIDER THE MOTION on HB 453**. (Tabled 2/6/07) Motion failed 7-9 by present and voting roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, Kottel, and Ebinger voting aye.

ADJOURNMENT

Adjournment: 12:00 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh41aad.pdf](#))